

REFERENCE TITLE: adult probation; county responsibility

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2819

Introduced by
Representatives Pearce: Boone, Pierce

AN ACT

AMENDING SECTIONS 8-203, 8-353, 11-292, 12-114.01, 12-251, 12-262, 12-267,
12-268 AND 13-916, ARIZONA REVISED STATUTES; RELATING TO PROBATION OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 8-203, Arizona Revised Statutes, is amended to read:

8-203. Court employees: appointment: certification: qualifications: salary: bond

A. The presiding judge of the juvenile court shall appoint a director of juvenile court services who shall serve at the pleasure of the presiding juvenile judge.

B. The director of juvenile court services shall recommend the appointment of deputy probation officers, detention personnel, other personnel and office assistants as the director deems necessary. ~~Such~~ Deputy probation officers, detention personnel, other personnel and office assistants shall not have authority to act or draw a salary for their services until their appointments have been approved and ordered by the presiding judge of the juvenile court. IN COUNTIES THAT RECEIVE STATE AID FOR PROBATION SERVICES PURSUANT TO TITLE 12, CHAPTER 2, ARTICLE 7, a juvenile probation officer performing field supervision shall not supervise more than an average of thirty-five juveniles on probation at one time.

C. Probation department personnel shall qualify under minimum standards of experience and education established by the supreme court. Notwithstanding section 12-265, any additional salary costs that might be required as a result of the adoption of minimum salary standards by the supreme court may be paid by funds THAT ARE made available to the probation department pursuant to sections 12-267 and 12-268 or by the supreme court.

D. The presiding judge of the juvenile court may contract with the juvenile court and the board of supervisors in one or more adjoining counties jointly to employ one or more juvenile probation officers who meet the minimum standards, with the salaries and expenses for such personnel divided equally among the counties involved. The presiding judge of the juvenile court may contract with the state department of corrections for the juvenile court to provide parole services in the county.

E. The board of supervisors, on recommendation of the presiding judge of the juvenile court, shall fix the salary ranges of all juvenile probation department personnel. Juvenile probation department personnel shall be hired pursuant to the rules and procedures approved by the supreme court.

F. Each director of juvenile court services and deputy juvenile probation officer receiving an official salary shall furnish a bond in the sum of not less than two thousand dollars ~~which~~ THAT is approved by the judge of the juvenile court and conditioned for the faithful discharge of the duties of his office. If ~~such~~ THE bonds are furnished by a surety company THAT IS licensed to transact business in the state, the premiums on ~~such~~ THE bonds shall be a county charge. ~~In the event~~ IF the employees are included in a master bond pursuant to county regulations or covered by state risk management, the individual bonds prescribed shall not be required.

1 Sec. 2. Section 8-353, Arizona Revised Statutes, is amended to read:

2 8-353. Juvenile intensive probation teams; duties; case load
3 limit

4 A. The chief juvenile probation officer or the director of court
5 services in each county, with approval of the presiding juvenile court judge
6 of the superior court, shall appoint juvenile probation teams consisting of
7 two juvenile probation officers or one juvenile probation officer and one
8 surveillance officer or one juvenile probation officer and two surveillance
9 officers.

10 B. IN COUNTIES THAT RECEIVE STATE AID FOR PROBATION SERVICES PURSUANT
11 TO TITLE 12, CHAPTER 2, ARTICLE 7, a two person intensive probation team
12 shall supervise no more than twenty-five juveniles at one time. A three
13 person team shall supervise no more than forty juveniles at one time.

14 C. The juvenile intensive probation team shall do all of the
15 following:

16 1. Secure and keep a complete identification record of each juvenile
17 WHO IS supervised by the team and a written statement of the conditions of
18 the probation.

19 2. Exercise close supervision and observation over juveniles who are
20 ordered to participate in the intensive probation program including both of
21 the following:

22 (a) Visual contact with each probationer at least four times per week.

23 (b) Weekly contact with the school, employer, community restitution
24 agency or treatment program of the probationer.

25 3. Obtain and maintain information concerning the conduct of the
26 juvenile participating in the intensive probation program.

27 4. Request the county attorney to bring a noncompliant probationer
28 before the court.

29 5. Monitor the payment of restitution and probation fees and request
30 the county attorney to bring before the court any probationer who fails to
31 pay restitution or probation fees.

32 6. Perform any other responsibilities required by the terms and
33 conditions imposed by the court.

34 Sec. 3. Section 11-292, Arizona Revised Statutes, is amended to read:

35 11-292. Medical care; definition

36 A. The board of supervisors, subject to the applicable provisions of
37 title 42, chapter 17, articles 2 and 3, shall include in its annual budget an
38 amount equal to fifty per cent of the amount budgeted by the county board of
39 supervisors or the amount expended, whichever is less, for the
40 hospitalization and medical care of the indigent sick pursuant to this
41 article for fiscal year 1980-1981, except for Yuma and La Paz counties. The
42 contribution amounts of those counties shall be equal to the amount Yuma
43 county would have made pursuant to this subsection if a division had not
44 occurred apportioned between the counties. The office of the auditor general
45 shall determine the amount Yuma county would otherwise have included if a

1 division had not occurred and shall then determine the contribution amounts
 2 of Yuma and La Paz counties based on the proportionate share of the estimated
 3 population in these counties as of July 1, 1982.

4 B. For fiscal year 1994-1995, and for each fiscal year thereafter, the
 5 state treasurer shall withhold an amount sufficient to meet the county
 6 portion of the nonfederal costs of providing long-term care system services,
 7 pursuant to title 36, chapter 29, article 2, excluding services to the
 8 developmentally disabled, from monies otherwise payable to the county under
 9 section 42-5029, subsection D, paragraph 2. This amount and the state
 10 portion of the nonfederal costs shall be specified in the annual
 11 appropriation for the maintenance and operation of the Arizona health care
 12 cost containment system. For fiscal years 1994-1995, 1995-1996 and
 13 1996-1997, monies shall be withheld from each county based on the following
 14 percentages derived from a state auditor general's certified audit of fiscal
 15 year 1987-1988 county long-term care and home health care expenditures,
 16 except that amounts withheld shall be adjusted to reflect amounts paid by
 17 counties pursuant to section 36-2952:

18	1. Apache:	0.22%
19	2. Cochise:	2.49%
20	3. Coconino:	0.66%
21	4. Gila:	2.56%
22	5. Graham:	0.64%
23	6. Greenlee:	0.34%
24	7. La Paz:	0.34%
25	8. Maricopa:	56.55%
26	9. Mohave:	2.73%
27	10. Navajo:	0.91%
28	11. Pima:	20.55%
29	12. Pinal:	5.09%
30	13. Santa Cruz:	1.05%
31	14. Yavapai:	3.12%
32	15. Yuma:	2.75%

33 C. In each fiscal year, of the total amount that is specified in the
 34 annual appropriation as the nonfederal portion of the cost of providing
 35 long-term care services, excluding services to the developmentally disabled,
 36 and that represents an increase from the amount that was specified in the
 37 annual appropriation for the prior fiscal year, the state shall pay fifty per
 38 cent of the increase. The remaining nonfederal portion of the costs shall be
 39 apportioned among the counties according to the proportion that each county's
 40 net nonfederal expenditures for long-term care services, excluding services
 41 to the developmentally disabled, bears to the total nonfederal expenditure
 42 for all counties two fiscal years earlier, with the following adjustments in
 43 the following order:

44 1. If the resulting net county contribution when expressed as an
 45 imputed property tax rate per one hundred dollars of net assessed value

1 exceeds ninety cents, the county's contribution shall be reduced so that the
2 imputed property tax rate equals ninety cents and the difference shall be
3 paid by the state.

4 2. Any county with a native American population that represents at
5 least twenty per cent of the county's total population according to the most
6 recent United States decennial census shall contribute an amount equal to the
7 prior fiscal year's contribution plus fifty per cent of the difference
8 between the prior year's contribution were it calculated using the percentage
9 in subsection B of this section and the current year's contribution as if its
10 share of the total nonfederal portion of the long-term care costs had been
11 calculated using the percentage prescribed in subsection B of this section
12 and the state shall pay any difference from the amount otherwise required by
13 this subsection.

14 3. If, after making the adjustments in this subsection, a county would
15 contribute more than if its contribution were calculated using the percentage
16 prescribed in subsection B of this section multiplied by the total nonfederal
17 costs of long-term care services, excluding services to the developmentally
18 disabled, the county's contribution shall be reduced to the sum of its prior
19 year's contribution plus fifty per cent of the difference between the prior
20 year's contribution were it calculated using the percentage in subsection B
21 of this section and the current year's contribution as if its share of the
22 total nonfederal portion of long-term care costs had been calculated using
23 the percentage prescribed in subsection B of this section and the state shall
24 pay any difference from the amount otherwise required by this subsection.

25 D. The director of the Arizona health care cost containment system
26 administration shall notify each county of the amount determined pursuant to
27 subsection A of this section to be included in its annual budget no later
28 than May 1 of each year.

29 E. If a county does not provide funding as specified in subsection A
30 of this section, the state treasurer shall subtract the amount owed to the
31 Arizona health care cost containment system fund by the county from any
32 payments required to be made by the state treasurer to that county pursuant
33 to section 42-5029, subsection D, paragraph 2, plus interest on that amount
34 pursuant to section 44-1201 retroactive to the first day the funding was due.
35 If the monies the state treasurer withholds are insufficient to meet that
36 county's funding requirement as specified in subsection A of this section,
37 the state treasurer shall withhold from any other monies payable to that
38 county from whatever state funding source is available an amount necessary to
39 fulfill that county's requirement. The state treasurer shall not withhold
40 distributions from the highway user revenue fund pursuant to title 28,
41 chapter 18, article 2.

42 F. Each month payment of an amount equal to one-twelfth of the total
43 amount determined pursuant to subsection A of this section shall be made to
44 the state treasurer. Beginning October 1, 1989, payment of this amount shall
45 be made to the state treasurer on or before the fifth day of each month.

1 Upon request from the director of the Arizona health care cost containment
2 system administration, the state treasurer shall require that up to three
3 months' payments be made in advance, if necessary.

4 G. The state treasurer shall deposit the amounts paid pursuant to
5 subsection F of this section and amounts withheld pursuant to subsection E of
6 this section in the Arizona health care cost containment system fund
7 established pursuant to section 36-2913.

8 H. If payments made pursuant to subsection F of this section exceed
9 the amount required to meet the costs incurred by the Arizona health care
10 cost containment system for the hospitalization and medical care of a person
11 who is defined as an eligible person pursuant to section 36-2901, paragraph
12 6, subdivision (a), the director of the Arizona health care cost containment
13 system administration may instruct the state treasurer either to reduce
14 remaining payments to be paid pursuant to this section by a specified amount
15 or to provide to the counties specified amounts from the Arizona health care
16 cost containment system fund.

17 I. The amount of the county contribution to the Arizona health care
18 cost containment system fund established in section 36-2913 shall not exceed
19 thirty-three per cent of the amount that the system administration expended
20 in the county for fiscal year 1983-1984. For the purposes of this
21 subsection, system administration expenditures in a county for fiscal year
22 1983-1984 are the total capitation and fee for service amounts paid by the
23 system administration to providers in a county before February 1, 1986 for
24 services rendered during fiscal year 1983-1984 to persons eligible for the
25 system.

26 J. The state treasurer shall deposit amounts withheld pursuant to
27 subsection E of this section in the Arizona health care cost containment
28 system fund established by section 36-2913.

29 K. The state treasurer shall deposit the monies withheld from the
30 counties and contributed by the state pursuant to subsection B of this
31 section in the long-term care system fund established by section 36-2913, in
32 twelve equal monthly installments. The monthly installments shall be
33 deposited in the fund by the state treasurer by the fourth working day of
34 each month.

35 L. By July 1 or within sixty days after enactment of the annual
36 appropriation for the maintenance and operation of the Arizona health care
37 cost containment system, whichever is later, and after consulting with the
38 joint legislative budget committee and the governor's office of strategic
39 planning and budgeting, the state treasurer shall notify each county of the
40 amount to be withheld pursuant to subsection B of this section.

41 M. If the monies deposited in the long-term care system fund pursuant
42 to subsection K of this section are insufficient to meet the funding
43 requirement as specified in the annual appropriation for the maintenance and
44 operation of the Arizona health care cost containment system pursuant to
45 subsection B of this section, the state treasurer shall withhold from any

1 other monies payable to that county from any available state funding source,
 2 other than the highway user revenue fund, the amount required to fulfill
 3 fifty per cent of the funding requirement and shall deposit the monies in the
 4 long-term care system fund. The state shall pay the remaining fifty per cent
 5 of the funding requirement.

6 N. If any monies in the funds for the purpose of title 36, chapter 29,
 7 article 2 remain unexpended at the end of the fiscal year, the director of
 8 the Arizona health care cost containment system administration shall specify
 9 to the state treasurer the amount to be withdrawn from the long-term care
 10 system fund. Of the amount specified, the state treasurer shall distribute
 11 fifty per cent to the counties pursuant to subsection B or C of this section.
 12 The remaining fifty per cent shall be distributed to the state.

13 O. The board of supervisors of a county that is a program contractor
 14 pursuant to section 36-2940 shall include in its annual budget, subject to
 15 title 42, chapter 17, articles 2 and 3, monies received from the Arizona
 16 health care cost containment system fund and long-term care system fund for
 17 the purposes of title 36, chapter 29, article 2.

18 P. Notwithstanding any law to the contrary, beginning in fiscal year
 19 2005-2006 and in each fiscal year thereafter, the state treasurer shall
 20 withhold a total of two million three hundred ninety-five thousand four
 21 hundred dollars for the county contribution for the administrative costs of
 22 implementing sections 36-2901.01 and 36-2901.04 beginning with the second
 23 monthly distribution of transaction privilege tax revenues otherwise
 24 distributable after subtracting any amounts withheld for the county long-term
 25 care contribution. Beginning in fiscal year 2006-2007, the state treasurer
 26 shall adjust the amount withheld according to the annual changes in the GDP
 27 price deflator and as calculated by the joint legislative budget committee
 28 staff. Beginning in fiscal year 2006-2007, the joint legislative budget
 29 committee shall calculate an additional adjustment of the allocation required
 30 by this subsection based on changes in the population as reported by the
 31 department of economic security. For the purposes of this subsection "GDP
 32 price deflator" has the same meaning prescribed in section 41-563. Each
 33 county's annual contribution is as follows:

- 34 1. Apache, 3.296 per cent.
- 35 2. Cochise, 6.148 per cent.
- 36 3. Coconino, 6.065 per cent.
- 37 4. Gila, 2.491 per cent.
- 38 5. Graham, 1.7110 per cent.
- 39 6. Greenlee, 0.455 per cent.
- 40 7. La Paz, 0.9430 per cent.
- 41 8. Mohave, 7.079 per cent.
- 42 9. Navajo, 4.640 per cent.
- 43 10. Pima, 42.168 per cent.
- 44 11. Pinal, 8.251 per cent.
- 45 12. Santa Cruz, 1.950 per cent.

1 13. Yavapai, 7.794 per cent.

2 14. Yuma, 6.949 per cent.

3 Q. The state treasurer shall deposit the amounts paid pursuant to
4 subsection P of this section in the budget neutrality compliance fund
5 established by section 36-2928.

6 R. FOR A COUNTY WITH A POPULATION OF TWO MILLION PERSONS OR MORE OR A
7 COUNTY THAT, THROUGH ITS BOARD OF SUPERVISORS, HAS ELECTED NOT TO RECEIVE
8 STATE AID FOR PROBATION SERVICES PURSUANT TO TITLE 12, CHAPTER 2, ARTICLE 7,
9 THE COUNTY'S CONTRIBUTIONS PURSUANT TO THIS SECTION SHALL BE REDUCED BY THE
10 AMOUNT OF STATE AID FOR PROBATION SERVICES THAT THE COUNTY WOULD HAVE
11 RECEIVED IN THE FIRST FISCAL YEAR IN WHICH THE COUNTY DOES NOT RECEIVE STATE
12 AID FOR PROBATION SERVICES. ANY INCREASE IN THE COUNTY'S CONTRIBUTIONS IN
13 SUBSEQUENT YEARS SHALL BE REDUCED ACCORDING TO ITS PROPORTIONATE SHARE OF THE
14 BASE CONTRIBUTION. COUNTY CONTRIBUTIONS SHALL BE REDUCED IN THE FOLLOWING
15 PRIORITY:

16 1. FIRST AS APPLIED TO THE CONTRIBUTION PROVIDED FOR IN SUBSECTION P
17 OF THIS SECTION.

18 2. SECOND AS APPLIED TO THE CONTRIBUTION PROVIDED FOR IN SUBSECTION A
19 OF THIS SECTION.

20 3. THIRD AS APPLIED TO THE CONTRIBUTION PROVIDED FOR IN SUBSECTION C
21 OF THIS SECTION.

22 ~~R.~~ S. For the purposes of this section, "net assessed value" includes
23 the values used to determine voluntary contributions collected pursuant to
24 title 9, chapter 4, article 3 and title 48, chapter 1, article 8.

25 Sec. 4. Section 12-114.01, Arizona Revised Statutes, is amended to
26 read:

27 12-114.01. Probation surcharge: deposit

28 A. In addition to any other penalty assessment provided by law, a
29 probation surcharge of ~~five~~ TEN dollars shall be levied on every fine,
30 penalty and forfeiture imposed and collected by the SUPERIOR, JUSTICE AND
31 MUNICIPAL courts for criminal offenses and any civil penalty imposed and
32 collected for a civil traffic violation and fine, penalty or forfeiture for a
33 violation of the motor vehicle statutes, for a violation of any local
34 ordinance relating to the stopping, standing or operation of a vehicle,
35 except parking violations, or for a violation of the game and fish statutes
36 in title 17.

37 B. IN COUNTIES THAT RECEIVE STATE AID FOR PROBATION SERVICES PURSUANT
38 TO CHAPTER 2, ARTICLE 7 OF THIS TITLE, the monies collected pursuant to this
39 section shall be deposited, pursuant to sections 35-146 and 35-147, in the
40 judicial collection enhancement fund established by section 12-113 to be used
41 to supplement monies currently used for the salaries of adult and juvenile
42 probation and surveillance officers and for support of programs and services
43 of the superior court adult and juvenile probation departments.

C. IN COUNTIES THAT DO NOT RECEIVE STATE AID FOR PROBATION SERVICES PURSUANT TO CHAPTER 2, ARTICLE 7 OF THIS TITLE, THE MONIES COLLECTED PURSUANT TO THIS SECTION SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE ADULT PROBATION SERVICES FUND ESTABLISHED BY SECTION 12-267 OR IN THE JUVENILE PROBATION FUND ESTABLISHED BY SECTION 12-268 IN SUCH PROPORTION AS DETERMINED BY THE BOARD OF SUPERVISORS.

~~C.~~ D. The court may waive all or part of a probation surcharge in the same manner and subject to the same limitations provided for the waiver of penalty assessments in section 12-116.01, subsection E and section 12-116.02, subsection D.

Sec. 5. Section 12-251, Arizona Revised Statutes, is amended to read:

~~12-251.~~ Adult probation officers and support staff;
appointment; qualifications

A. The presiding judge of the superior court in each county shall appoint a chief adult probation officer who shall serve at the pleasure of the presiding judge. ~~Such~~ THE chief adult probation officer, with the approval of the presiding judge of the superior court, shall appoint ~~such~~ deputy adult probation officers and support staff as are necessary to provide presentence investigations and supervision services to the court. Presentence investigations and probation services may be provided to the justice courts in each county for persons who are convicted of violating section 28-1381 or 28-1382 or title 13, chapter 14, 35.1 or 36 and who are placed on supervised probation by the court. Presentence investigations and supervised probation services may be provided by a county probation office to a municipal court through an intergovernmental agreement entered into by the respective county and municipality. On approval of the presiding judge and in accordance with policies and procedures developed by the supreme court, the presiding judge of the superior court may direct that presentence investigations and supervised probation services be provided for other persons if a risk of violence exists or if it would be in the best interest of justice. IN COUNTIES THAT RECEIVE STATE AID FOR PROBATION SERVICES PURSUANT TO CHAPTER 2, ARTICLE 7 OF THIS TITLE, those deputy adult probation officers WHO ARE engaged in case supervision shall supervise no more than an average of sixty adults who reside in the county on probation to the court. ~~Such~~ Deputy adult probation officers ~~shall~~ hold office under rules and procedures established by the supreme court.

B. Each adult probation officer WHO IS appointed pursuant to subsection A of this section shall give bond in the principal amount to be fixed by the court and approved by the judge making the appointment, conditioned ~~upon~~ ON the faithful performance by ~~such~~ THE officer of the officer's official duties and the payment of all monies coming into the officer's possession as such officer to the person, officer or body entitled to receive the monies. Any adult probation officer WHO IS covered by a blanket faithful performance bond payable to the county or covered by state risk management ~~shall be~~ IS deemed to be in compliance with this section.

C. Probation department personnel shall qualify under minimum standards of experience and education established by the supreme court. ~~Such~~ ~~THE~~ standards may differ for counties of less than three hundred thousand persons from counties with three hundred thousand persons or more. Notwithstanding section 12-265, any additional salary costs that might be required as a result of the adoption of minimum salary standards by the supreme court may be paid by funds ~~THAT ARE~~ made available to the probation department pursuant to sections 12-267 and 12-268 or by the supreme court.

D. Presently appointed adult probation officers who qualify under the provisions of subsection C of this section shall be retained in their position as long as they are qualified.

Sec. 6. Section 12-262, Arizona Revised Statutes, is amended to read:
12-262. Submission of plan; use of funds; election; report

A. The presiding judge of the superior court in ~~each~~ A county ~~desiring~~ ~~WITH A POPULATION OF LESS THAN TWO MILLION PERSONS WHO DESIRES~~ to improve, maintain or expand juvenile probation services, or to achieve or maintain the average adult probation case supervision requirement prescribed in section 12-251, may prepare a plan in accordance with guidelines issued by the supreme court. The plan shall be submitted to the state supreme court. The supreme court guidelines shall require that the plan include:

1. That funds received under this article shall be used primarily for payment of salaries of probation officers supervising adults or juveniles on probation to the superior, justice or municipal court.

2. That the funds provided by the state for this purpose will be ~~utilized~~ ~~USED~~ to supplement county funds provided for probation services.

3. The proposed budget necessary to implement the plan, including the amount currently budgeted for that county's probation program.

B. ~~THROUGH ITS BOARD OF SUPERVISORS, ANY COUNTY MAY ELECT NOT TO RECEIVE STATE AID FOR PROBATION SERVICES PURSUANT TO THIS ARTICLE.~~

C. ~~IF A COUNTY ELECTS NOT TO RECEIVE STATE AID FOR PROBATION SERVICES PURSUANT TO THIS ARTICLE, THE FOLLOWING APPLY:~~

1. ~~NOTWITHSTANDING SECTIONS 12-251 AND 13-916, ADULT PROBATION RATIOS ARE SUSPENDED.~~

2. ~~THE COUNTY'S CONTRIBUTION TO THE HOSPITALIZATION AND MEDICAL CARE OF THE INDIGENT SICK, TO THE NONFEDERAL PORTION OF PROVIDING LONG-TERM CARE AND FOR THE ADMINISTRATIVE COSTS OF IMPLEMENTING SECTIONS 36-2901.01 AND 36-2901.04 SHALL BE REDUCED PURSUANT TO SECTION 11-292, SUBSECTION R.~~

3. ~~THE ECONOMIC ESTIMATES COMMISSION SHALL INCREASE THE COUNTY'S BASE EXPENDITURE LIMIT BEGINNING IN THE FISCAL YEAR THAT THE COUNTY ASSUMES FUNDING RESPONSIBILITY PURSUANT TO SECTION 41-563, SUBSECTION D.~~

D. ~~THE SUPREME COURT SHALL REPORT TO THE JOINT LEGISLATIVE BUDGET COMMITTEE ALL AMOUNTS PROVIDED TO ANY COUNTY PURSUANT TO THIS ARTICLE FOR ADULT PROBATION SERVICES OR JUVENILE PROBATION SERVICES.~~

1 Sec. 7. Section 12-267, Arizona Revised Statutes, is amended to read:
2 12-267. Adult probation services fund; accounts; expenditure
3 plan; use

4 A. The board of supervisors shall designate a chief fiscal officer who
5 shall establish and administer an adult probation services fund consisting
6 of:

7 1. County general fund appropriations for adult probation.

8 2. State appropriations for adult probation including:

9 (a) Monies for adult probation officers authorized by article 6 of
10 this chapter.

11 (b) Monies for state aid for adult probation services authorized by
12 this article.

13 (c) Monies for adult community punishment programs established
14 pursuant to article 11 of this chapter.

15 (d) Monies for adult intensive probation pursuant to title 13,
16 chapter 9.

17 3. Probation fees collected pursuant to section 13-901.

18 4. Federal monies provided for adult probation.

19 5. Adult probation monies from any other source.

20 B. The chief fiscal officer shall establish and maintain separate
21 accounts in the fund showing receipts and expenditures of monies from each
22 source listed in subsection A of this section. The presiding judge of the
23 superior court shall annually present to the board of supervisors for
24 approval a detailed expenditure plan for the adult probation services fund
25 accounts. IN COUNTIES THAT RECEIVE STATE AID FOR PROBATION SERVICES PURSUANT
26 TO THIS ARTICLE, any modifications to the expenditure plan affecting state
27 appropriations shall be made in accordance with the rules and procedures
28 established by the supreme court. Any modifications to the expenditure plan
29 affecting county appropriated funds shall be made in accordance with the
30 policies established by the county. The chief fiscal officer shall disburse
31 monies from the fund accounts only at the direction of the presiding judge of
32 the superior court. IN COUNTIES THAT RECEIVE STATE AID FOR PROBATION
33 SERVICES PURSUANT TO THIS ARTICLE, the chief fiscal officer of each county
34 ~~shall~~, on or before August 31 of each year for the preceding fiscal year,
35 SHALL submit an annual report to the supreme court showing the total amount
36 of receipts and expenditures in each account of the adult probation services
37 fund.

38 C. IN COUNTIES THAT RECEIVE STATE AID FOR PROBATION SERVICES PURSUANT
39 TO THIS ARTICLE, the state monies in the adult probation services fund shall
40 be used in accordance with guidelines established by the supreme court or the
41 granting authority.

42 D. IN COUNTIES THAT RECEIVE STATE AID FOR PROBATION SERVICES PURSUANT
43 TO THIS ARTICLE, state monies expended from the adult probation services fund
44 shall be used to supplement, not supplant, county appropriations for the
45 superior court adult probation department.

1 E. IN COUNTIES THAT RECEIVE STATE AID FOR PROBATION SERVICES PURSUANT
2 TO THIS ARTICLE, up to twenty-five thousand dollars annually deposited in the
3 adult probation services fund shall be used to pay the annual assessment on
4 member states of the interstate compact for the supervision of adult
5 offenders established in section 31-467, ARTICLE X, subsection B.

6 F. County monies in the adult probation services fund shall be used in
7 accordance with the fiscal policies and procedures established by the board
8 of supervisors.

9 Sec. 8. Section 12-268, Arizona Revised Statutes, is amended to read:
10 12-268. Juvenile probation fund; use

11 A. The board of supervisors shall designate a chief fiscal officer who
12 shall establish and administer a juvenile probation fund consisting of:

13 1. County general fund appropriations for juvenile probation.
14 2. Court information cost monies received pursuant to section 8-134,
15 subsection L.

16 3. State appropriations for juvenile probation, except monies in the
17 juvenile probation services fund established by section 8-322 and except
18 monies in the court appointed special advocate fund established by section
19 8-524, but including:

20 (a) Monies for juvenile probation officers authorized by section
21 8-203.

22 (b) Monies for state aid for juvenile probation services authorized by
23 this article.

24 (c) Monies for family counseling services established by title 8,
25 chapter 2, article 5.

26 (d) Monies for juvenile intensive probation services established by
27 title 8, chapter 3, article 4.

28 4. Probation fees collected pursuant to section 8-321, subsection N
29 for community based alternative programs or diversion programs administered
30 by the juvenile court.

31 5. Probation fees collected pursuant to section 8-341.

32 6. Federal monies provided for juvenile probation services.

33 7. Juvenile probation monies from any other source.

34 B. The chief fiscal officer shall establish and maintain separate
35 accounts in the fund showing receipts and expenditures of monies from each
36 source listed in subsection A of this section. The presiding juvenile judge
37 of the superior court shall annually present to the board of supervisors for
38 approval a detailed expenditure plan for the juvenile probation services fund
39 accounts. IN COUNTIES THAT RECEIVE STATE AID FOR PROBATION SERVICES PURSUANT
40 TO THIS ARTICLE, any modifications to the expenditure plan affecting state
41 appropriations shall be made in accordance with the rules and procedures
42 established by the supreme court. Any modifications to the expenditure plan
43 affecting county appropriated funds shall be made in accordance with the
44 policies established by the county. IN COUNTIES THAT RECEIVE STATE AID FOR
45 PROBATION SERVICES PURSUANT TO THIS ARTICLE, the chief fiscal officer shall

1 disburse monies from the fund accounts only at the direction of the presiding
2 juvenile judge of the superior court. The chief fiscal officer, on or before
3 August 31 of each year for the preceding fiscal year, shall submit an annual
4 report to the supreme court showing the total amount of receipts and
5 expenditures in each account of the juvenile probation services fund.

6 C. **IN COUNTIES THAT RECEIVE STATE AID FOR PROBATION SERVICES PURSUANT**
7 **TO THIS ARTICLE**, the state monies in the juvenile probation services fund
8 shall be used in accordance with guidelines established by the supreme court
9 or the granting authority.

10 D. **IN COUNTIES THAT RECEIVE STATE AID FOR PROBATION SERVICES PURSUANT**
11 **TO THIS ARTICLE**, state monies expended from the juvenile probation services
12 fund shall be used to supplement, not supplant, county appropriations for the
13 superior court juvenile probation department.

14 E. County monies in the juvenile probation services fund shall be used
15 in accordance with the fiscal policies and procedures established by the
16 board of supervisors.

17 Sec. 9. Section 13-916, Arizona Revised Statutes, is amended to read:

18 **13-916. Intensive probation teams; adult probation officer**
19 **qualifications; duties; case load limit**

20 A. The chief adult probation officer in each county, with approval of
21 the presiding judge of the superior court, shall appoint intensive probation
22 teams consisting of one adult probation officer and one surveillance officer,
23 or one adult probation officer and two surveillance officers.

24 B. **IN COUNTIES THAT RECEIVE STATE AID FOR PROBATION SERVICES PURSUANT**
25 **TO THIS ARTICLE**, a two person intensive probation team shall supervise no
26 more than twenty-five persons at one time, and a three person intensive
27 probation team shall supervise no more than forty persons at one time.

28 C. The adult probation officers shall meet the bonding requirements
29 and experience and education standards established pursuant to section
30 12-251.

31 D. The intensive probation team may serve warrants on, make arrests of
32 and bring before the court persons who have violated the terms of intensive
33 probation.

34 E. The adult probation and surveillance officers both have the
35 authority of a peace officer in the performance of their duties but are not
36 eligible to participate in the public safety personnel retirement system.

37 F. The intensive probation team shall:

38 1. Secure and keep a complete identification record of each person **WHO**
39 **IS** supervised by the team and a written statement of the conditions of the
40 probation.

41 2. Exercise close supervision and observation over persons **WHO ARE**
42 sentenced to intensive probation including both of the following:

- 43 (a) Visual contact with each probationer at least four times per week.
- 44 (b) Weekly contact with the employer of the probationer.

- 1 3. Obtain and assemble information concerning the conduct of persons
2 WHO ARE sentenced to intensive probation, including weekly arrest records,
3 and report the information to the court.
- 4 4. Report to the court if the probationer engages in conduct
5 constituting an offense.
- 6 5. Bring a defaulting probationer into court if, in the judgment of
7 the adult probation officer, the probationer's conduct justifies revoking the
8 intensive probation.
- 9 6. Monitor the payment of restitution and probation fees and bring
10 into court any probationer who fails to pay restitution or fees.
- 11 7. Perform any other responsibilities THAT ARE required by the terms
12 and conditions imposed by the court.